

2013 Assembly Bill 17 (LRB -0172)

An Act to renumber 48.94; to amend 69.15 (2) (a) (intro.); and to create 48.94 (2) and 69.15 (2) (d) of the statutes; relating to: the restoration of information from an original birth certificate after adoption. (FE)

2013

02-15.	A.	Introduced by Representatives T. Larson, Milroy, Kestell, Bernier, Bewley, Hebl, Kahl, Knudson, LeMahieu, Ohnstad, Thiesfeldt, Zepnick and A. Ott ; cosponsored by Senators Jauch, Miller and L. Taylor .	41
02-15.	A.	Read first time and referred to Committee on Children and Families	41
02-26.	A.	Withdrawn from committee on Children and Families and referred to committee on Family Law pursuant to Assembly Rule 42 (3)(c)	53
03-06.	A.	Fiscal estimate received	
03-18.	A.	Assembly Amendment 1 offered by Representative T. Larson (LRB a0181)	92
04-22.	A.	Fiscal estimate received	
04-23.	A.	Public hearing held	
07-30.	A.	Executive action taken	
07-30.	A.	Report Assembly Amendment 1 adoption recommended by Committee on Family Law, Ayes 9, Noes 0	282
07-30.	A.	Report passage as amended recommended by Committee on Family Law, Ayes 9, Noes 0	282
07-30.	A.	Referred to Committee on Rules	282
10-03.	A.	Placed on calendar 10-8-2013 by Committee on Rules	
10-08.	A.	Read a second time	333
10-08.	A.	Assembly Amendment 1 adopted	333
10-08.	A.	Ordered to a third reading	334
10-08.	A.	Rules suspended	334
10-08.	A.	Read a third time and passed	334
10-08.	A.	Ordered immediately messaged	334
10-09.	S.	Received from Assembly	402
10-09.	S.	Read first time and referred to committee on Health and Human Services	402
11-20.	S.	Public hearing held	
12-19.	S.	Executive action taken	
12-20.	S.	Report concurrence recommended by Committee on Health and Human Services, Ayes 5, Noes 0	540
12-20.	S.	Available for scheduling	

2014

01-16.	S.	Placed on calendar 1-22-2014 pursuant to Senate Rule 18(1)	579
01-22.	S.	Read a second time	
01-22.	S.	Ordered to a third reading	
01-22.	S.	Rules suspended	
01-22.	S.	Read a third time and concurred in	
01-22.	S.	Ordered immediately messaged	
01-22.	A.	Received from Senate concurred in	

2013

ENROLLED BILL

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ADOPTED DOCUMENTS:

☒ Orig ☐ Engr ☐ SubAmdt ☐

13-01741

Amendments to above (if none, write "NONE"):

AA1 - a.0181/1

Corrections - show date (if none, write "NONE"):

None

Topic

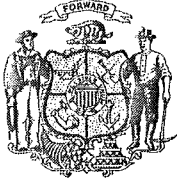
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1-23-14

Date

J. Phille

Enrolling Drafter



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0172/1

TJD:sac:ph

2013 ASSEMBLY BILL 17

February 15, 2013 – Introduced by Representatives T. LARSON, MILROY, KESTELL, BERNIER, BEWLEY, HEBL, KAHL, KNUDSON, LEMAHIEU, OHNSTAD, THIESFELDT, ZEPNICK and A. OTT, cosponsored by Senators JAUCH, MILLER and TAYLOR. Referred to Committee on Children and Families.

1 **AN ACT** *to renumber* 48.94; *to amend* 69.15 (2) (a) (intro.); and *to create* 48.94
2 (2) and 69.15 (2) (d) of the statutes; **relating to:** the restoration of information
3 from an original birth certificate after adoption.

Analysis by the Legislative Reference Bureau

Under current law, at the time a person is adopted the state registrar must prepare a new birth certificate for the adoptee unless the adoptive parents or the person being adopted objects. The new birth certificate must contain, among other information, the names and personal information of the adoptive parents, unless the court's order of adoption indicates otherwise. When a new certificate is issued, the original certificate is impounded and may be accessed only by court order, with permission of the birth parents, or for processing purposes of the state registrar.

This bill allows an adult who has been adopted to petition the court to order the state registrar to prepare a new birth certificate based on information on the person's original birth certificate if the person did not have the opportunity, at the time of the adoption, to request that a new birth certificate not be prepared; the person knows the identity of each birth parent who is named on his or her original birth certificate; and each birth parent who is alive and who is named on the person's original birth certificate does not object to the restoration of the information on the person's original birth certificate. Under the bill, if the court finds that all of those circumstances apply, the court must grant the petition. The state registrar must issue a new birth certificate that uses all of the information from the original birth certificate, if ordered by the court.

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A new birth certificate issued under the bill does not affect the legal relationship between the adoptive parents and the adoptee and does not restore any legal rights or legal relationship that terminated at the time of adoption.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.94 of the statutes is renumbered 48.94 (1).

2 **SECTION 2.** 48.94 (2) of the statutes is created to read:

3 48.94 (2) If the court issues an order under s. 69.15 (2) (d) to restore the
4 information from an adoptee's original birth certificate, the state registrar shall
5 issue a new birth certificate containing the information from the adoptee's original
6 birth certificate. *INS AA1-1* The restoration of any birth parent's name on the adoptee's birth
7 certificate does not do any of the following:

8 (a) Affect the legal relationship of parent and adoptee that was created by the
9 order of adoption.

10 (b) Restore any legal rights or any legal relationship that terminated upon the
11 order of adoption. *INS. AA1-2*

12 **SECTION 3.** 69.15 (2) (a) (intro.) of the statutes is amended to read:

13 69.15 (2) (a) (intro.) Except as provided under par. (b), if the state registrar
14 receives an order under sub. (1) which provides for an adoption, the state registrar
15 shall prepare, under sub. (6), a new certificate for the subject of the adoption unless
16 the adoptive parents or the subject of the adoption requests, under s. 48.94 (1), that
17 no new certificate be prepared. If the order is from a court in this state, the order
18 shall include a certified copy of the original birth certificate registered for the subject
19 of the adoption. The new certificate shall show:

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1 SECTION 4. 69.15 (2) (d) of the statutes is created to read:

2 69.15 (2) (d) 1. A court shall order the state registrar to prepare for the subject
3 of a birth certificate a new birth certificate based on the information on the subject's
4 original birth certificate if all of the following circumstances apply:

5 a. The subject of the birth certificate petitions the court for a new birth
6 certificate.

7 b. The subject is an adult who was the subject of an adoption.

8 c. The subject did not have the opportunity under par. (a), at the time of the
9 adoption, to request that no new birth certificate be prepared.

10 d. The subject knows the identity of each birth parent who is named on his or
11 her original birth certificate.

12 e. Each birth parent who is alive and who is named on the subject's original
13 birth certificate does not object to the restoration of the information on the subject's
14 original birth certificate.

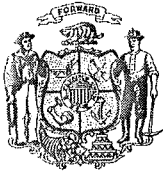
15 2. If the court grants an order under subd. 1., the state registrar shall prepare
16 under sub. (6) a new birth certificate using all of the information contained on the
17 original birth certificate.

INS. AA1-3

INS. AA1-4

(END)

18



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa0181/1
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ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 17

March 15, 2013 – Offered by Representative T. LARSON.

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 6: after “certificate” insert “, except for the adoptee’s given name
3 at birth, if different”.

4 2. Page 2, line 11: after that line insert:

5 “(c) Change the adoptee’s legal name”.

6 3. Page 3, line 17: after “certificate” insert “, except for the adoptee’s given
7 name at birth, if different”.

8 4. Page 3, line 17: after that line insert:

9 “3. After preparing a new birth certificate under subd. 2., the state registrar
10 shall follow the procedure under sub. (6) (b) to impound all other birth certificates
11 of the subject except the subject’s new birth certificate.”.

12

(END)